

REMARKS/ARGUMENTS

Claims 1, 17, and 24 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. The text of claims 2-16, 18-23, and 25-30 is unchanged, but their meaning is changed because they depend from amended claims.

Claims 31-42 have been canceled, without prejudice.

The 35 U.S.C. § 102 Rejection

Claims 1-20, 22, 24-29, 30-33 and 35-39 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Edgar et al.¹ This rejection is respectfully traversed.

According to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102(a), (b) and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.²

Claims 1, 17, 24, 31 and 37 are independent claims with claims 2-16 depending from claim 1; claims 18-23 depending from claim 17; claims 25-30 depending from claim 24; claims 32-36 depending from claim 31; and claims 38-40 depending from claim 37.

In the Response to Arguments section, the Final Office Action states "[i]n the Remarks, with respect to claim 1, Applicant argues that there are no templates in Edgar and no suggestion

¹ U.S. Patent 5,848,395

² Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

of a template identifier. First, the Examiner submits that a "template" is simply a table of values, as seen in Applicant's figure 4 and is further discussed in Applicant's figure 11. Edgar indeed discloses a table for storing a plurality of routes (column 1, lines 17-20 and figure 3). Applicant's use of the term "template" in no way precludes Edgar from teaching the limitation."³ Applicant respectfully disagrees.

Applicant is unaware of what basis the patent office has to submit that the definition of a template is a table of values, but that interpretation is contrary to Applicant's understanding of the term as used by persons of ordinary skill in the art. The New Penguin Dictionary of Computing, by Dick Pountain, published by Penguin Books (2001), defines "template" as "[a] master pattern from which copies can be taken to simplify the task of creating a new document or other object." This is in no way simply equivalent to a "table of values", as suggested by the Patent Office.

While a template may be stored as a table, as suggested by Applicant's figure 4, the key element that makes it a template, over and above an ordinary table (or other data structure) is that it is a master pattern from which copies can be taken to create the schedule of timeslot segments. The underlying data structure used is irrelevant. This is clearly different from what is disclosed in Edgar. The table in Edgar is merely route information stored in a table. While it is accessed when a user wants to make an appointment, it is not a template as it is not copied, and further it is not accessed to create a schedule of timeslot segments, but merely to book the appointment itself.

³ Final Office Action, page 9.

Applicant respectfully reminds the Patent Office that the present invention is directed towards the creating of a schedule of timeslot segments, which may then later be used to book individual appointments, but is not directed towards the booking of the appointments itself. Edgar, and other prior art solutions, presuppose the creation of a schedule of timeslot segments, but do not present information on how to create the schedule of timeslot segments in the first place.

Nevertheless, claims 1, 17, and 24 have been amended to make this distinction more clear. Applicant respectfully submits that claims 1, 17, and 24 are now in condition for allowance.

Additionally, since Edgar does not teach a template, it clearly cannot teach a template identifier. This was discussed in more detail in the Amendment filed December 3, 2003.

As to the dependent claims, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

The First 35 U.S.C. § 103 Rejection

Claims 21, 23 and 40 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Edgar in view of Ostro⁴. This rejection is respectfully traversed.

⁴ U. S. Patent 6,445,976

Claim 40 has been canceled. As to dependent claims 21 and 23, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

The Second 35 U.S.C. § 103 Rejection

Claim 34 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Edgar in view of Powell⁵. Claim 34 has been canceled.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Request for Allowance

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

⁵ US 2002/0065700

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,
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